IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4780 of 2004

Between:

1.Smt.Althi Ademma, W/o.Late Bangariah,
R/o.Gajularega Village, Vizianagaram Mandal, Vizianagaram District.
2.Althi Venkataramana, S/o.Late Bangariah,
R/o.Gajularega Village, Vizianagaram Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Prohibition and Excise Superintendent, Vizianagaram.
2 Sub Divisional Prohibition and Excise Officer, Vizianagaram.
3 Prohibition and Excise Inspector, Gajapathinagaram,

Vizianagaram District.
4 The Revenue Divisional Officer, Vizianagaram.
5 The Mandal Revenue Officer, Vizianagaram.
6 Smt.Chandaka Narayanamma, W/o.Late Narasimhulu,
R/o.Kanapaka Village, Vizianagaram Mandal, Vizianagaram

District.
7 Chandaka Venkataramana S/o.Late Narasimhulu,
R/o.Kanapaka Village, Vizianagaram Mandal, Vizianagaram

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the 2nd respondent passed in Notice of attachment dated 19-12-2003 and the consequential 7(A) auction notice/Form of the 3rd respondent dated 30-1-2004 and Rc.No.58//2003/SDPEO/VZM dated 11-2-2004 issued by the 2nd respondent and

the action of the respondents 1 to 3 in bringing the petitioner properties to sale is illegal arbitrary and one without jurisdiction.

Counsel for the Petitioners: MR.TADDI.NAGESWARA RAO

Counsel for the Respondents 1 to5: GP FOR PROHIBITION & EXCISE

Counsel for the respondents 6 & 7 : Sri Gudapati Venkateswara Rao

The Court made the following:

ORDER:-

Heard both the learned counsel. It is now represented by the learned Government Pleader appearing on behalf of the respondents that as per the intimation received by them dated 3-6-2004 that the legal heirs of deceased defaulter have paid the entire principal amount by availing one time settlement scheme as per the Commissioners instructions in Cr.No.18441/2003/CPE/T4 dated 18-11-2003 in respect of the same, there is no necessity to proceed against the property belonging to the petitioner.

Recording the same, this writ petition is allowed and the proceedings impugned in this writ petition are set aside. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the Sixteenth day of August, Two thousand and four.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Prohibition and Excise Superintendent, Vizianagaram.
2 Sub Divisional Prohibition and Excise Officer, Vizianagaram.
3 Prohibition and Excise Inspector, Gajapathinagaram,

Vizianagaram District.
4 The Revenue Divisional Officer, Vizianagaram.
5 The Mandal Revenue Officer, Vizianagaram.

6.2CCs to G.P. for Prohibition & Excise, High Court Buildings

Hyderabad (OUT)

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